

**MINUTES OF THE REGULAR MEETING
OF THE LA SALLE CITY COUNCIL
July 13, 2020**

A regular meeting of the La Salle City Council of La Salle, Illinois was held Monday, July, 13, 2020 at 6:30 p.m. Mayor Jeff Grove presiding with proper notices being duly and continuously posted.

The meeting was called to order at 6:31 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present- Aldermen Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

Excused Absence: None

A quorum was present.

APPROVAL OF MINUTES

Moved by Alderman Demes and seconded by Alderman Reynolds to accept and place on file the Minutes of the Regular Meeting of the City Council held June 29, 2020. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

PETITIONS

Moved by Alderman Herndon and seconded by Alderman Crane to grant the request of Ameren Illinois to break ground at 2910 James Road (East Sixth Road) to install a pole on the east side of James Road. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Reynolds and seconded by Alderman Demes to grant the request of the Hegeler Carus Foundation for a 2020 Raffle License. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Reynolds and seconded by Alderman Ptak to grant the request of Turnroth Signs on behalf of Johnson Oil Co. to remove existing readerboard and replace with an electronic sign at 802 Third Street. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Jeppson and seconded by Alderman Lavieri to grant the request of Allison and Michael Rooney to close the 400 Block of Oak Road Friday, October 16, 2020 and Saturday, October 17, 2020 from the alley west to the dead end for a wedding reception. Each and every alderman has a copy.

ROLL CALL: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None Absent: None Abstain: None

Motion Carried 8-0

REPORTS OF CITY OFFICERS

Moved by Alderman Bacidore and seconded by Alderman Reynolds to accept and place on file the Building Inspector's report for June 2020 showing total fees collected of \$3,807.68 with total value of construction of \$684,293.47. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

Moved by Alderman Ptak and seconded by Alderman Reynolds to accept and place on file the Treasurer's Report for June 2020 showing total cash balances in the La Salle State Bank of \$7,769,637.92 and in Hometown National Bank of \$4,083.997.57. Each and every alderman has a copy.

Voice vote, all ayes. Motion carried.

SPECIAL COMMITTEES

Moved by Alderman Demes and seconded by Alderman Bacidore to accept the recommendation of the Zoning Board of Appeals regarding the request of Joe and Pam Nichols, residents of 343 Fourth Street, for a front yard setback variance from 25' to 13' for the construction of a deck and attached steps. Each and every alderman has a copy.

ROLL CALL: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None Absent: None Abstain: None

Motion Carried 8-0

Moved by Alderman Bacidore and seconded by Alderman Demes to accept the recommendation of the Streets, Alleys and Traffic to deny the request for a stop sign at the intersection of Crosat and Canal Streets.

Voice vote, all ayes. Motion carried.

OLD BUSINESS

Moved by Alderman Lavieri and seconded by Alderman Jeppson to authorize, pay, place on file Pay Estimate #2 & Final to Universal Asphalt & Excavating totaling \$271,071.89 for work completed to date on the 2020 MFT Road Improvements project. Each and every alderman has a copy.

ROLL CALL: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None Absent: None Abstain: None

Motion Carried 8-0

Alderman Bacidore questioned an invoice in the bills totaling \$3,000 to the Illinois Valley Area Chamber (IVAC). He stated that he did not recall voting on this issue. It was explained to Alderman Bacidore that at a lengthy Finance Meeting held on June 4, 2020, those present were in favor of joining IVAC and paying the \$3,000 fee and it was made part of the Economic Development Director's budget. Alderman Bacidore stated that in the past, the full council has always voted on this. In addition, he said IVAC has not come to present any information on what they have done for the City. Mayor Grove stated that Joni Hunt of IVAC was scheduled to come before the council on June 29, 2020, however he asked her to reschedule for another night due to the length of the agenda on June 29, 2020. Mayor Grove said that we will add the item to the next agenda for a full vote by the council.

NEW BUSINESS

It was moved by Alderman Ptak and seconded by Alderman Lavieri to approve an ambulance transport rate increase to \$1,060. Each and every alderman has a copy.

ROLL CALL: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None Absent: None Abstain: None

Motion Carried 8-0

Mayor Grove stated for the record that the increase in the rate will not affect La Salle residents and the rate will be in-line with neighboring communities.

Alderman Demes expressed his concerns resulting from two recent incidents with an unrestrained dog. He said the two incidents involved the same dog and occurred within a two-week period. The second incident involved a child who was attacked while walking by the porch where this dog was unrestrained. Alderman Demes said he is concerned about the safety of our residents and would like to suggest that the council consider amending our current ordinance as it relates to Dangerous and Vicious Dogs. Alderman Demes said he contacted Attorney McPhedran for guidance on this issue. Alderman Demes said Attorney McPhedran explained that the City is somewhat limited as to how far it can go in the restriction of dangerous and vicious dogs and we cannot single out any certain breed. However, Alderman Demes suggested an amendment whereby the investigating police officer could classify the dog as a vicious dog. By allowing this, we could bypass our current requirement that there must be three incidents with a dangerous dog, before it can be classified as a vicious dog.

Alderman Demes explained that in the recent situations, a ticket was issued to the owner for being a reckless owner, but two weeks later the dog was once again unrestrained. Alderman Demes categorized this as a total disregard for public safety. Alderman Demes wants to give the investigating police officer the right to classify the dog as a vicious dog on a case-by-case basis.

Mayor Grove said in his opinion it would be difficult to leave that decision up the officer. Alderman Bacidore agreed. Alderman Demes then suggested that perhaps the penalty for a reckless dog owner could be raised, as currently the maximum fine is \$750.

Chief Smudzinski said he, too, worries about leaving it at the discretion of the officers and wondered about the legality of that. He said the responding officer in the recent situation did a great job resolving the situation. Chief Smudzinski said that he prefers to work with Animal Control and has found it to be very effective. Many times the dogs are surrendered to Animal Control or the owners move the dog out into the country. He added that when Animal Control explains to the owners the liability, responsibility and fines that they could incur if they do not resolve the situation, typically the issue is resolved. Chief Smudzinski said he, too, does not like waiting for three incidents to happen before a dog is considered vicious, but did not think leaving it to the discretion of the offices was the best solution.

Alderman Demes then said that during his discussion with Attorney McPhedran, Attorney McPhedran suggested holding a meeting with the Police Committee to further discuss this topic. He suggested the meeting could consist of Aldermen, the Police Chief and representatives of the Police Department and Animal Control to examine what solutions may be out there. Mayor Grove suggested that perhaps some dog owners could also attend. In addition, the Mayor said he also wants to be sure our leash law is strong enough.

Alderman Demes stated that it is not that we are against dogs, we just need the owners to be responsible.

A meeting will be scheduled in the near future with a notice being properly posted.

Attorney Pat Herrmann who was filling in for Attorney McPhedran, agreed that that City is bound by the State ordinances on definitions of dangerous and vicious dogs and cannot bypass the state definitions. However, if the Animal Control Administrator determines the dog to be vicious, certain things can be done. He said, if he understood correctly from Attorney McPhedran, this amendment would allow police officers to take the complaint directly to the Animal Control Administrator. In this particular situation, those involved in the situation did not take it to the Animal Control Administrator, so the dog was not declared a dangerous dog. This way, the police officer can facilitate the complaint to the county as neighbors and others may not want to file it themselves.

In regard to setting off fireworks within the City of La Salle, Alderman Demes and Alderman Reynolds both complained about the amount of fireworks in their wards and how late these fireworks are being set off. Mayor Grove asked the aldermen what their suggestions would be to correct the issue. Alderman Reynolds responded by saying he would like to make fireworks illegal in La Salle, to which several responded that certain fireworks are currently illegal in the State of Illinois. Alderman Bacidore stated that the only things legal in Illinois are sparklers, snakes and poppers. He wondered how these firework tents can sell them. Mayor Grove stated for the record that the City of La Salle had no tents where fireworks were being sold.

Mr. William Bradford, resident of 833 Ninth Street, came forth with a complaint about a resident in the 800 Block of 9th Street, who has been shooting off fireworks since July 1 through yesterday evening. Mr. Bradford stated that the individual threatened to burn his house down. Mayor Grove asked Mr. Bradford if he called the police. Mr. Bradford said he did not. Mayor Grove said he should have called the police so they could have addressed the situation while it was happening. Mayor Grove said he was happy Mr. Bradford brought it up, but said in those situations where the location is easily identifiable, the police should be called. Mayor Grove and the aldermen thanked Mr. Bradford for his service to our country as he is a Veteran. Mr. Bradford said for veterans like himself, fireworks can be a traumatic trigger for those suffering from PTSD.

Mayor Grove said if the aldermen are concerned about this issue, they need to offer some solutions. Chief Smudzinski said if the police are called they will definitely address this if a location can be determined and if they are not out on more serious calls.

Mayor Grove summarized the discussion by stating that at this time, fireworks are illegal in La Salle, and residents should call the police if they know the exact location of where the fireworks are being launched from. If our Police are available and not on more pressing calls, they will come out. Alderman Bacidore suggested that the fine could be raised to \$1,000. He thought once one or two people were fined, that may stop it. Alderman Demes suggested we contact the IML to see what other cities are doing.

Deputy Clerk Brent Bader stated that there was an ordinance back in 1949 prohibiting fireworks, but when recodification was done in 2004, it was removed. Therefore, it defaults to the state level, which says that fireworks are illegal.

Mayor said the most important thing is a change of behavior. Chief Smudzinski said they can use a disturbing the peace ordinance as a way to fine in these situations.

Mayor Grove thanked Chief Bacidore for setting off the sirens in La Salle on Saturday night after a funnel cloud was spotted. Although some residents lost power, there was no significant damage reported.

Mayor announced that the La Salle Speedway will have two upcoming races. Mayor also said that several bars in La Salle have established their own adult softball league, so if residents notice the field lights on that may be the reason.

Mayor said that the pool has been enjoying nice crowds due to the recent hot weather. He reminded residents that they can rent the pool for family pool parties on Saturday and Sunday evenings from 5:30-7:30 p.m. There is still availability at this time.

ORDINANCES/RESOLUTIONS

Moved by Alderman Demes and seconded by Alderman Reynolds to approve and place on file
Ordinance 2889: An Ordinance Authorizing Variance Concerning premises as requested by Joseph E. Nichols and Pamela S. Nichols regarding premises at 343 Fourth Street with the City of La Salle. Each and every alderman has a copy.

ROLL CALL: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None Absent: None Abstain: None

Motion Carried 8-0

Ordinance 2889: Authorizing Variance Concerning premises as requested by Joseph E. Nichols and Pamela S. Nichols regarding premises at 343 Fourth Street with the City of La Salle.

Moved by Alderman Demes and seconded by Alderman Bacidore to approve and place on file
Ordinance 2890: An Ordinance Regarding the Lease of Municipal Property with Scott Clark, individually and on behalf of Jake's 201, Inc. d/b/a Jake's Pour House. Each and every alderman has a copy.

ROLL CALL: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None Absent: None Abstain: None

Motion Carried 8-0

Ordinance 2890: Regarding the Lease of Municipal Property with Scott Clark, individually and on behalf of Jake's 201, Inc. d/b/a Jake's Pour House.

Moved by Alderman Lavieri and seconded by Alderman Jeppson to approve and place on file
Ordinance 2891: An Ordinance Amending Ordinance Number 1861 being an Ordinance regulating Garage Sales. Each and every alderman has a copy.

ROLL CALL: AYE: Alderman Demes, Bacidore, Ptak, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None Absent: None Abstain: None

Motion Carried 8-0

Ordinance 2891: Amending Ordinance Number 1861 being an

COMMENTS

Mayor Grove reminded the public that the Farmer's Market is now open each Tuesday from 3-6 p.m. at Hegeler Park through September.

Leah Inman announced that there will be "Christmas in July" Sidewalk Sales downtown La Salle this coming Friday and Saturday during normal shopping hours.

Alderman Demes welcomed the new Police Chief Mike Smudzinski to his first meeting as Chief.

APPROVAL OF BILLS

Moved by Alderman Lavieri and seconded by Alderman Herndon to accept, pay and place on file bills for July 13, 2020 with Total submitted of \$735,189.09 (Total Payroll \$187,814.16, Bills to be Paid \$99,773.39, Total Bills Paid \$447,601.54).

ROLL CALL: AYE: Mayor Grove, Alderman Demes, Bacidore, Reynolds, Lavieri, Jeppson, Herndon, Crane

NAY: None Absent: None Abstain: Alderman Ptak

Motion Carried 7-0

(Alderman Ptak abstained due to a RIP grant that was paid in these bills for Studio 718)

Moved by Alderman Reynolds and seconded by Alderman Crane to adjourn the meeting.
Voice vote, all ayes. Motion is carried.

ADJOURNED 7:11 p.m.



Carrie Brown, City Clerk